

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1582**

---

**Introduced by Committee on Local Government (Caballero (Chair), Knight (Vice Chair), Arambula, Davis, Duvall, Krekorian, and Skinner)**

March 31, 2009

---

An act to amend Sections 56426.5, 57051, 57052, 57116, and 57150 of, and to amend and renumber Section 56426.5 of, the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

AB 1582, as amended, Committee on Local Government. Local agencies: spheres of influence.

(1) Existing law requires a commission to develop and determine the sphere of influence of each local governmental agency within the county. A commission is authorized, at the time a commission approves a proposal for an incorporation or a reorganization which includes an incorporation, to determine the sphere of influence for the proposed new city. The commission is required to determine the sphere of influence for any newly incorporated city within one year of the effective date of incorporation.

This bill would authorize a commission, beginning January 1, 2010, to determine the sphere of influence for a proposed new district, when a commission approves a formation or reorganization that includes the formation of a district. The commission would be required to determine the sphere of influence for any newly formed district within one year of the effective date of formation.

(2) The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 governs the procedures for the formation and change of organization of cities and special districts. Existing law permits any owner of land or registered voter within inhabited territory proposed to be annexed or detached, or any owner of land within uninhabited territory proposed to be annexed or detached, to file a written protest against the annexation or detachment at any time prior to the conclusion of the noticed protest. The written protest is required to include the name and address of the owner of the land affected and the street address or other description sufficient to identify the location of the land or the name and address of the registered voter as it appears on the affidavit of registration.

This bill would repeal the requirement that the written protest include that information and would instead require the written protest to contain the same information that is required in a petition that proposes a change or organization or reorganization. The bill would additionally require the commission to determine the value of written protests in accordance with those petition requirements, *and would make other technical changes.*

(3) Existing law requires the expenses incurred in conducting elections for a change of organization or reorganization to be paid in a specified manner.

This bill would make technical conforming changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 56426.5 of the Government Code, as
- 2 added by Section 6 of Chapter 1384 of the Statutes of 1989, is
- 3 amended to read:
- 4 56426.5. (a) Beginning January 1, 1990, at the time a
- 5 commission approves a proposal for an incorporation or a
- 6 reorganization which includes an incorporation, the commission
- 7 may determine the sphere of influence for the proposed new city.
- 8 The commission shall determine the sphere of influence for any
- 9 newly incorporated city within one year of the effective date of
- 10 incorporation.
- 11 (b) Beginning January 1, 2010, at the time when a commission
- 12 approves a formation or reorganization that includes the formation

1 of a district, the commission may determine the sphere of influence  
2 for the proposed new district. The commission shall determine the  
3 sphere of influence for any newly formed district within one year  
4 of the effective date of formation.

5 SEC. 2. Section 56426.5 of the Government Code, as added  
6 by Section 4 of Chapter 614 of the Statutes of 2002, is amended  
7 and renumbered to read:

8 56426.6. (a) The commission shall not approve a change to  
9 the sphere of influence of a local government agency of territory  
10 that is subject to a contract entered into pursuant to the California  
11 Land Conservation Act of 1965 (Chapter 7 (commencing with  
12 Section 51200) of Part 1 of Division 1) if that local government  
13 agency provides, or would provide, facilities or services related  
14 to sewers, nonagricultural water, or streets and roads to the  
15 territory, unless these facilities or services benefit land uses that  
16 are allowed under the contract and the landowner consents to the  
17 change to the sphere of influence.

18 (b) (1) Notwithstanding subdivision (a), the commission may  
19 nevertheless approve a change for that territory if it finds either of  
20 the following:

21 (A) That the change would facilitate planned, orderly, and  
22 efficient patterns of land use or provision of services, and the public  
23 interest in the change substantially outweighs the public interest  
24 in the current continuation of the contract beyond its current  
25 expiration date.

26 (B) That the change is not likely to adversely affect the  
27 continuation of the contract beyond its current expiration date.

28 (2) In making a determination pursuant to this subdivision, the  
29 commission shall consider all of the following:

30 (A) The policies and implementation measures adopted by the  
31 city or county that would administer the contract both before and  
32 after any ultimate annexation, relative to the continuation of  
33 agriculture or other uses allowable under the contract.

34 (B) The infrastructure plans of the annexing agency.

35 (C) Other factors that the commission deems relevant.

36 (c) This section shall not apply to any of the following:

37 (1) Territory that is subject to a contract for which a notice of  
38 nonrenewal has been served pursuant to Section 51245.

39 (2) Territory that is subject to a contract for which a tentative  
40 cancellation has been approved pursuant to Section 51282.

1 (3) Territory for which the governing body of the county or city  
2 administering the contract has given its written approval to the  
3 change and the landowner consents to the change.

4 SEC. 3. Section 57051 of the Government Code is amended  
5 to read:

6 57051. At any time prior to the conclusion of the protest hearing  
7 in the notice given by the executive officer, but not thereafter, any  
8 owner of land or any registered voter within inhabited territory  
9 that is the subject of a proposed change of organization or  
10 reorganization, or any owner of land within uninhabited territory  
11 that is the subject of a proposed change of organization or  
12 reorganization, may file a written protest against the change of  
13 organization or reorganization. Each written protest shall state  
14 whether it is made by a landowner or registered voter and shall  
15 include the same information that is required in a petition for a  
16 change of organization or reorganization, as specified in Section  
17 56704. Protests may be made on behalf of an owner of land by an  
18 agent authorized in writing by the owner to act as agent with  
19 respect to that land. Protests may be made on behalf of a private  
20 corporation which is an owner of land by any officer or employee  
21 of the corporation without written authorization by the corporation  
22 to act as agent in making that protest.

23 Each written protest shall show the date that each signature was  
24 affixed to the protest. All signatures without a date or bearing a  
25 date prior to the date of publication of the notice shall be  
26 disregarded for purposes of ascertaining the value of any written  
27 protests.

28 SEC. 4. Section 57052 of the Government Code is amended  
29 to read:

30 57052. Upon conclusion of the protest hearing, the commission  
31 shall determine the value of written protests filed and not  
32 withdrawn. The value of written protests shall be determined in  
33 the same manner prescribed in Sections 56704, 56707, 56708, and  
34 56710 for determining the sufficiency of petitions filed with the  
35 commission.

36 SEC. 5. *Section 57116 of the Government Code is amended to*  
37 *read:*

38 57116. In addition to any other requirements, any resolution  
39 of the commission ordering an incorporation subject to an election  
40 shall do all of the following:

1 (a) Provide for the election of the officers of the proposed city  
2 required to be elected, except as provided in Section 56724 and  
3 except as to officers designated as appointive, pursuant to Section  
4 56723.

5 (b) Provide for the election on the question of whether members  
6 of the city council in future elections are to be elected by district,  
7 *from district*, or at large.

8 (c) If the petition so requests, state that the voters may express  
9 a preference as to whether or not the city shall operate under the  
10 city manager form of government, the ballot question being for or  
11 against the city manager form of government.

12 (d) If the petition so requests, state that the voters may express  
13 their preference between names for the new city.

14 ~~SEC. 5.~~

15 *SEC. 6.* Section 57150 of the Government Code is amended  
16 to read:

17 57150. All proper expenses incurred in conducting elections  
18 for a change of organization or reorganization pursuant to this  
19 chapter shall be paid, unless otherwise provided by agreement  
20 between the commission and the proponents, as follows:

21 (a) In the case of annexation or detachment proceedings, by the  
22 local agency to or from which territory is annexed, or from which  
23 territory is detached, or was proposed to be annexed or detached.

24 (b) In the case of incorporation or formation proceedings, by  
25 the newly incorporated city or the newly formed district, if  
26 successful, or by the county within which the proposed city or  
27 district is located, if the incorporation proceedings are terminated.  
28 In the case of a separate election for city officers held following  
29 the election for incorporation pursuant to Section 56825.5, by the  
30 newly incorporated city.

31 (c) In the case of disincorporation or dissolution proceedings,  
32 from the remaining assets of the disincorporated city or dissolved  
33 district or by the city proposed to be disincorporated or the district  
34 proposed to be dissolved if disincorporation or dissolution  
35 proceedings are terminated.

36 (d) In the case of consolidation proceedings, by the successor  
37 city or district or by the local agencies proposed to be consolidated,  
38 to be paid by those local agencies in proportion to their respective  
39 assessed values, if proceedings are terminated.

40 (e) In the case of a reorganization, by either of the following:

1 (1) If the reorganization is ordered, by the subject local agencies  
2 or successor local agencies, as the case may be, for any of the  
3 changes of organization specified in subdivisions (a) to (d),  
4 inclusive, that may be included in the particular reorganization, to  
5 be paid by those local agencies in proportion to their assessed  
6 value.

7 (2) If the reorganization proceedings are terminated or the  
8 proposal is defeated, by the county or counties within which the  
9 subject local agency is located.